

DAVID LOSOYA,
Plaintiff,
vs.
JEAN S. WOODFORD, et al.,
Defendants.

No. C 05-00509 JW (PR)
ORDER DISMISSING ACTION
AGAINST UNSERVED
DEFENDANTS UNDER RULE 4(m)

Plaintiff, a California prisoner currently incarcerated at Pelican Bay State Prison (“PBSP”) in Crescent City, filed a pro se civil rights action under 42 U.S.C. § 1983 against various PBSP employees for violations of plaintiff’s constitutional rights. Plaintiff’s original complaint was dismissed with leave to amend. On May 30, 2008, the Court partially dismissed some of the claims in Plaintiff’s first amended complaint, and ordered service of the remaining cognizable claims upon Warden Kirkland, Sergeant Flowers, Sergeant Akin, and Second Watch Correctional Officers from April to December 2004, including Hyde, Delaunay, George, Strickouser, Trotter, Smith, Knight, Pofhal, Moore, Kirby, Simmons, Green, Owen, Romero, Estrella, Cortez, Navarro, Schiavone, Holt, Curtis, Cardenas, Daniel, Bracht, Gensaw, Howe, Young, Winningham, Miligin, Testa, Keely, Gelinas, Rios, Nelson, Wilcy, and Preston at PBSP.

United States District Court
For the Northern District of California

1 On September 10, 2008, the Court ordered plaintiff to provide information to
2 locate and serve several defendants who had yet to be served. Plaintiff was ordered
3 to provide the Court with the necessary information no later than thirty days from
4 the date of the order, *i.e.*, no later than October 10, 2008. Plaintiff was advised that
5 failure to do so may result in the dismissal of the complaint against these defendants under
6 Rule 4(m) of the Federal Rules of Civil Procedure. The deadline has since passed and
7 plaintiff has failed to comply.

8 Accordingly, the action is DISMISSED without prejudice as to unserved
9 defendants Delauny, George, Smith, Moore, Kirby, Simmons, Green, Owen, Romero,
10 Cortez, Navarro, Holt, Cardenas, Danial, Gensaw, Young, Keely, Nelson, Wilcy and
11 Preston pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

12 DATED: November 7, 2008

13 _____
14 JAMES WARE
15 _____
16 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

DAVID LOSOYA,

Case Number: CV05-00509 JW

Plaintiff,

CERTIFICATE OF SERVICE

v.

JEAN S. WOODFORD, et al.,

Defendants.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on _____ 11/12/2008 _____, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

David Losoya B-92935
Corcoran State Prison
P. O. Box 8800
Corcoran, Ca 93212

Dated: _____ 11/12/2008 _____

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk